

AFFIRMATION OF ELECTION

The Office Action includes a restriction requirement between what is referred to as Group I, claims 1-14, and Group II, claims 15-19. In response to a previous oral restriction requirement, Group I was provisionally elected for immediate prosecution. The election of Group I is hereby affirmed.

REMARKS / ARGUMENTS

This paper is in response to the first Office Action, which was mailed September 2, 2003 with regard to the above-identified application. This response is being filed within the three-month time period set for response in the Office Action. A check in the amount of \$110 is enclosed to cover the fee for a terminal disclaimer submitted herewith. If any additional fee is found to be due in connection with this response, authorization is provided to charge the fee, or to credit any over-payment, to Deposit Account No. 50-0573.

Claims 1-7 and 10-14 are pending in the application. Claims 8 and 9 have been cancelled. Claims 15-19, which have been restricted from the present application, have been cancelled without prejudice to representing those claims in a divisional application. A typographical error in claim 14 has been corrected. Claim 14 now depends from claim 1.

Claims 1-7 and 10-14 have been rejected under the judicially created doctrine of obviousness-type double patenting over commonly owned U.S. Pat. No. 6,546,872 in view of Kawahata. A terminal disclaimer and the appropriate fee are submitted herewith to overcome the rejection and expedite allowance of the application.

Claims 1-14 have been rejected as allegedly obvious over Kawahata, either alone or in combination with Sato. Kawahata discloses a process for producing decorative sheets having an embossed pattern corresponding to a printed pattern layer. The process includes

... the steps of: (a) forming a printed pattern layer on a base paper of the decorative sheet by use of a printing ink containing (i) a curing agent or a polymerization catalyst and (ii) a curable resin, the curing or catalytic action of the curing agent and polymerization catalyst being blocked and thereby

inactivated, the printing ink being liquid repellant; (b) releasing the blocked state of the curing agent or polymerization catalyst thereby curing the curable resin in the printed pattern layer; (c) coating the whole surface of the printed pattern layer with a coating agent for formation of a top coating layer; and (d) solidifying the coating agent thereby forming the top coating layer of which the portions corresponding to the liquid repellant printed pattern layer are concaved.
(Kawahata Abstract.)

Simply, Kawahata prints an ink with a surface tension lowering additive, and then covers the ink with a protective coating.

Sato discloses a printing process involving the steps of 1) printing an ink undercoat, 2) printing an ink overcoat having a repellant in it, and 3) applying a coating that is repelled by the ink overcoat's repellant. According to Sato, this process forms concavities in the coating. (Col. 1, line 57- col. 2, line 11.) Sato also indicates that heating of the topcoat is necessary to form the concave areas. (Col. 3, lines 22-29.)

Kawahata and Sato's printing methods do not suggest or disclose the method of present claim 1 (or the corresponding dependent claims). Claim 1 is directed to a printing process involving an additive in the coating, which is printed onto a substrate prior to printing the ink. By printing the coating first, usually using laser engraved gravure cylinders, the claim method yields crisp ink images that appear to color shift when viewed from different angles. The crisp, sharp images are insured due to the ink flowing away from the additive enhanced coating. The additive-enhanced coating forms the ink boundary, and the additive prevents the ink from having unsightly flow outs.

The methods of Kawahata and Sato, by contrast, involve first printing an ink with a repellant therein, and then flooding the ink-printed area with a coating. According to both references, the ink is printed directly onto the substrate, and there is nothing to prevent flow outs or imperfections in the printing. Once the ink is printed in Kawahata and Sato, the coating is flooded over the ink, thus sealing the flow outs under the ink. Kawahata and Sato preserve, rather than prevent, these printing imperfections.

The Office Action indicates that original dependent claims 8 and 9 defined the coating as inks. Claims 8 and 9 have been cancelled to eliminate any confusion as to the nature of the claimed method.

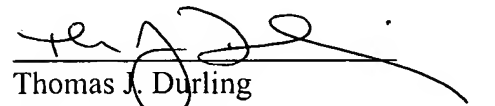
As presently claimed, the invention reverses the ink and coating steps in the Kawahata printing process. The claimed invention also adds the surface tension lowering additive to the coating instead of the ink. The end result is a clearer image with fewer flow outs, that creates color shifts when viewed from different angles. Sato and Kawahata do not suggest or disclose reversing this step, nor is using the additive in the coating suggested.

For the reasons set forth above, it is believed that claim 1 is allowable over the references cited. Without further comment on the individual merits of the dependent claims, those claim are allowable for at least the same reasons as claim 1. It is respectfully requested that the present rejections and objections be reconsidered and withdrawn. A Notice of Allowance is solicited. If direct communication will expedite the allowance of the application, the Examiner is invited to telephone the undersigned attorney for applicant.

Respectfully submitted,

SCOTT W. HUFFER, *ET AL.*

BY:


Thomas J. Durling
Reg. No. 31,349
DRINKER BIDDLE & REATH LLP
One Logan Square
18th & Cherry Sts.
Philadelphia PA 19103
Phone: (215) 988-3307
Fax: (215) 988-2575

Attorney for Applicant